

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
v.) CASE NO. 2:18-CR-249-WKW
)
WILLIAM E. HENRY)

ORDER

Please read this order carefully. Paragraphs 5 and 6 of this order have been revised, and paragraphs 7, 8, 9, and 10 are new.

The defendant by consent has appeared before a United States Magistrate Judge and has entered a plea of guilty. The Magistrate Judge accepted the guilty plea and has adjudicated the defendant guilty. Accordingly, it is ORDERED as follows:

1. Sentencing of the defendant is set on **May 2, 2019, at 10:45 a.m.**, Courtroom 2B, the Frank M. Johnson, Jr. United States Courthouse, One Church Street, Montgomery, Alabama.
2. In accordance with Rule 32(f)(1), *Federal Rules of Criminal Procedure*, counsel for the defendant and the Government shall communicate in writing to the probation officer, and to each other, any objections they have as to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report. The probation officer will notify parties of the objection deadline and will schedule a conference to discuss and resolve, if possible, any factual and legal issues contained in the presentence report.
3. Any motion for downward departure shall be filed on or before the conference date with the probation officer, unless based on unknown and unforeseen circumstances arising after that date, in which case the motion must be filed promptly upon discovery of such circumstances.
4. **Counsel for the defendant and the Government are to notify the Court at least two weeks prior to the sentencing date if the hearing is anticipated to take more than one hour.**
5. **Government and defense motions shall be filed 5 working days before sentencing.**

6. Sentencing Memoranda. Sentencing memoranda are not required; however, any party desiring to submit a sentencing memorandum shall file it, and any attachments, not less than 5 working days before sentencing, with copies served on opposing counsel and the probation officer assigned to the case.

7. Sentencing Exhibits. Any paper exhibit that a party may offer at the sentencing hearing shall be filed electronically as a Notice of Filing Sentencing Exhibits. If the paper exhibit was filed as an attachment to a sentencing memorandum (*see* paragraph 6 above), the Notice should reference the attachment by the e-filed document number (*e.g.*, Doc. # 54-3), but the attachment itself need not be filed a second time. As to physical evidence that may be offered at the sentencing hearing, the offering party shall attach a photograph of the physical evidence to a Notice of Filing Sentencing Exhibits. Finally, any storage media (*e.g.*, CDs, DVDs) that may be offered at the sentencing hearing shall be filed conventionally, along with an electronically filed notice of conventional filing.

All exhibits referenced in this paragraph — paper, physical evidence, and storage media — shall be filed (in accordance with the procedures in the preceding paragraph) not less than 5 working days before sentencing, with copies served on opposing counsel and the probation officer assigned to the case.

8. The parties shall comply with Rule 49.1 of the Federal Rules of Criminal Procedure and refrain from including, or shall partially redact where inclusion is necessary, personal data identifiers from all filings with the court, including exhibits, whether filed electronically or in paper, unless otherwise ordered by the court. The responsibility for redacting these personal identifiers rests solely with counsel and the parties.

9. Introduction of Exhibits at Sentencing. Any of the above referenced exhibits that a party moves to introduce at sentencing shall be offered at the hearing, even if a copy of the exhibit previously was filed in accordance with paragraphs 6 and 7 of this Order.

10. Courtesy copies for the court: The filing party shall deliver to chambers not less than 5 working days before sentencing a courtesy copy of any sentencing memoranda and exhibits filed in accordance with paragraphs 6 and 7 of this Order (including a copy of any storage media).

Nothing contained in this Order shall be construed as impairing the rights of any party as established in the United States Constitution or laws of the United States.

DONE this 17th day of January, 2019.

/s/ W. Keith Watkins

CHIEF UNITED STATES DISTRICT JUDGE